

**REMARKS**

Claims 1-85 are pending in the application. In a Reply to Restriction Requirement filed August 23, 2004, Applicants elected Group I claims (claims 1-40) for prosecution. Group II claims (claims 41-62) and Group III claims (claims 63-85) were not elected. The Group I claims are hereby elected without traverse.

Claims 1, 19, 20, 23, 24, 26, 27, 29, 31, 32, 34, and 38 are being amended. Claims 5 and 6 are being cancelled. No new matter is being introduced by way of the amendments.

Part 5 of the Office Action at hand states that the title of the invention is not descriptive. The title of the invention is "Method and Apparatus for Automatic Network Address Assignment." Applicant directs Examiner's attention to the preamble of claim 1, as now amended, which recites "[a] method for automatically assigning a network address to a given network node . . . ." Similarly, independent claim 26, as now amended, includes in the preamble, "retrieving a permanent network configuration . . . ," where, on page 6, lines 24-25 of the specification as originally filed, a network configuration includes a permanent network address. Claim 29 as now amended recites, "to determine an available network address to assign to the interrogating network node." Independent claim 32, as now amended, recites, "to retrieve an available network configuration." Independent claims 34, as now amended, recites, "to assume the available network configuration." Independent claims 38, as now amended, recites, "an available network address in the subnet to assign to the network node." In view of each of the limitations in the independent claims, Applicants believe that the title of the invention is indicative of the invention to which the claims are directed and, therefore, respectfully request that the objection to the title be withdrawn.

Part 6 of the Office Action at hand includes an objection to the drawings. Accordingly, formal drawings are being submitted herewith as replacement drawings.

In response to Part 7 of the Office Action at hand, Applicants are amending the specification at page 1, lines 5-11 and page 2, lines 6-14 to clearly indicate status of pending applications. Clarifying amendments on page 2, lines 6-14 are also being made. No new matter is being introduced by the amendments to the specification.

In response to Part 8 of the Office Action at hand, Applicants have reviewed the whole of the application for typographical errors, accuracy, assurance of proper use for trademarks, and other legal symbols. Applicants believe that the amendments made to the specification as described above include all amendments responsive to this request.

Parts 9-14 of the Office Action at hand describe rejections under 35 U.S.C. 112, second paragraph. Responsive to the rejections, Applicants have amended claims to comply with 35 U.S.C. 112, second paragraph. Applicants thank Examiner for the suggestions within parts 9-14 of the Office Action. No new matter is being introduced by way of the amendments.

Parts 15-28 recite rejections under 35 U.S.C. 102(e) as being anticipated by Reed et al. (6,061,739) ("Reed").

Applicants are amending independent claim 1 to recite, "posing as a node having an IP address external from the subnet, communicating with at least one network node also coupled to the subnet." Support for the claim amendment can be found in claims 5 and 6 as originally filed and in the specification as originally filed at least at page 10, lines 22-24 ("[r]eference is made to the appliance alias 160 throughout the discussion to represent the appliance 110 posing as a device having an IP address external from the subnet 180. The appliance alias 160 does not exist in physical form"). The appliance alias 160 external from a subnet 180 can be understood from the appliance alias 160 representation in Fig. 1 as originally filed. Further support for the claim amendment is found at least at page 19, lines 25-27; page 20, lines 3-10 and lines 14-21.

In contrast, Reed simply monitors communications on the network for a specified number of unanswered address resolution protocol (ARP) packets. Thereafter, a device monitoring the communications adopts the network address in the unanswered ARP packets and responds to the unanswered ARP packets with its physical address. See Reed's abstract, summary, and column 4, lines 19-39. Reed's Fig. 1, as compared to Applicant's Fig. 1, does not include a representation of a node "posing as a node having an IP address external from the subnet," where the subnet in Reed's Fig. 1 is indicated by reference number 18.

Part 21 of the Office Action at hand rejects now cancelled claims 5 and 6 (the limitations of which are now included in claim 1) because, as stated in Part 21, "masking the subnet is posing (excluding the current subnet) on an external subnet." The Office Action directs attention to Reed, column 3, lines 32-38, where Reed discloses dynamic host configuration protocol

(DHCP) messages that contain a subnet mask and provide a dynamic address allocation mechanism for a device whenever it connects to the network. Applicant states in the application background that DHCP is, and was prior to Applicant's filing, a well known technology, but it does not describe "posing" as recited in amended claim 1. Moreover, Applicants respectfully submit that such statement is imprecise for two reasons: (i) masking the subnet is not "posing as a node having an IP address external from the subnet," as recited in amended claim 1 and (ii) masking is merely a mathematical process used by network nodes for various network address processes. Masking itself does not perform a "posing" function.

Therefore, Applicants respectfully submit that Reed does not disclose every limitation of claim 1 as now amended ("posing as a node having an IP address external from the subnet"). Accordingly, Applicants respectfully submit that the rejections of claim 1 under 35 U.S.C. 102(e) as being anticipated by Reed should be withdrawn.

Because dependent claims 2-4 and 7-25 depend from claim 1, these claims should be allowed for at least the same reasons.

Independent claims 29, 34, and 38 are being amended to include similar limitations as now amended claim 1 and should be allowed under 35 U.S.C. 102(e) for similar reasons.

Because claims 30, 31, 35-37, 39 and 40 depend from these independent claims as now amended, Applicants respectfully submit that the rejections under 35 U.S.C. 102(e) should be withdrawn for at least the same reasons.

Applicants' claim 26 recites, "determining an available local subnet configuration by a first network node in a local subnet; accessing a second network node located outside the local subnet for an available permanent network configuration; and assigning the available permanent network configuration to the first node."

In contrast, Reed discloses only that a network node monitors communications on a network and determines an unused network address based on observations of unanswered ARP packets. Reed does not disclose a network node in a local subnet that determines an available subnet configuration then accesses a network node outside the local subnet for an available permanent configuration. Applicants note that a DHCP server provides a network address to a network node, but the network node does not itself determine an available local network configuration then access the DHCP server for a permanent network configuration.

Accordingly, Applicants respectfully submit that amended claim 26 as now amended distinguishes over Reed and should be allowed under 35 U.S.C. 102(e).

Independent claim 32, as now amended, includes similar limitations as amended claim 26 and should be allowed for similar reasons.

Claims 27, and 28 depend from claim 26, and claim 33 depends from claim 32. Therefore, these claims should be allowed for at least the same reasons as the independent claims from which they depend.

### CONCLUSION

In view of the above amendments and remarks, it is believed that all now pending claims (claims 1-4 and 7-40) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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